

SENT ELECTRONICALLY

May 6, 2022

Shireen T. Hart
Primmer Piper Eggleston & Cramer PC
30 Main Street, Suite 500
Burlington, VT 05402

RE: Docket No. GMCB-019-21con, Garnet Clinical Services, LLC Establishment of Mobile Preventive and Urgent Care Units in Chittenden County

Dear Ms. Hart:

Thank you for your letter dated October 22, 2021, requesting a jurisdictional determination to develop the above referenced project and your responses to questions, dated January 5, 2022, and April 19, 2022.

Your submissions represent that Garnet Clinical Services, LLC (Garnet) proposes to establish mobile primary/preventive care clinics and mobile urgent care services. The primary/preventative services will be provided in one larger vehicle, outfitted with two examination rooms, and two smaller medical SUVs, which will be used for the provision of urgent care services. Garnet will initially serve Chittenden County and anticipates adding vehicles over time as patient volumes dictate and eventually offering mobile primary/preventive care clinics around the state.

- Garnet will offer primary/preventative care in the mobile clinic at locations where there are multiple patients to serve, e.g., employer sites, as well as at patients' homes; these appointments will be scheduled in advance. Preventative care will follow the typical workflow of an office visit in a physician practice and will include well visits, sick visits, chronic illness management, specialist referrals, medication management, routine immunizations, labs, and mental health and substance use disorder screening. There will be no fixed or mobile CT, MRI, or PET/CT services. Providers will be MDs, PAs, or NPs, and they will be supported by EMTs, AEMTs, Paramedics, or RNs.
- Garnet will also offer urgent care services. Licensed providers (MD, PA, or NP) will first see urgent care patients via telemedicine to determine whether a mobile visit is required. If required, providers will bring the urgent care services to patients' homes in the same manner as traditional physician house calls. Mobile care teams will consist of a licensed provider (MD or PA) and a mobile medical technician (EMT, AEMT, or Paramedic). The



range of services for urgent care will include non-life-threatening illnesses, minor procedures, labs, and medication dispensing. High acuity patients whose needs exceed Garnet's scope of practice will be referred to the appropriate emergency department and/or directed to call 9-1-1.

Regarding project costs, your January 5, 2022 letter represents that the annual operating expenses are projected to be \$1,104,000 for Year 1, \$1,298,700.80 for Year 2, and \$1,909,452 for Year 3. Annual capital expenses are projected to be \$40,000 in Year 1, \$90,000 in Year 2, and \$30,000 in Year 3.

Based on the representations in your letter and responses, Garnet is not subject to certificate of need (CON) review pursuant to 18 V.S.A. § 9435(a), which excludes:

offices of physicians, dentists, or other practitioners of the healing arts, meaning the physical places that are occupied by such providers on a regular basis in which such providers perform the range of diagnostic and treatment services usually performed by such providers on an outpatient basis...[.]

GMCB Rule 4.000, § 4.205(1) sets forth factors that help determine whether a health care project properly qualifies for the health care practitioner's office exemption. Based on your representations, Garnet's billing practices, ownership structure, staff training and specialties, procedures to be performed, referral patterns, types of equipment to be purchased, representations of the facility to the public, and similarity to other practices are all factors supporting determination of the 18 V.S.A. § 9435(a) exemption.

In the future, if Garnet intends to expand the types of diagnostic or therapeutic services it offers, or if there are changes to the type or scope of the project (including, but not limited to, changes in services/programs offered, the number and/or type of staff, equipment purchased or leased, etc.), please contact the Board immediately so we may determine whether any further process is necessary. Failure to do so as required by Green Mountain Care Board Rule 4.301(4) may result in sanctions, as specified in 8 V.S.A. § 9445.

If you have any questions, please do not hesitate to contact me at 802-760-8162.

Sincerely,

s/ Donna Jerry

Donna Jerry, Senior Health Policy Analyst
Green Mountain Care Board

cc: Laura Beliveau, Staff Attorney, Green Mountain Care Board